

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MOHAMMED PROCTOR,  
Plaintiff,

**DEFENDANTS'  
SUPPLEMENTAL  
PROPOSED  
VOIR DIRE**

-against-

TOWN OF SOUTHAMPTON, VINCENT CAGNO,  
SERGEANT KIERNAN, and ERIC SICKLES  
Defendants.

(SJF)

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In light of the multiple media articles which are disparaging and extremely prejudicial to the defendants, and the fact that reporters will likely be at the courthouse and in the courtroom, it is respectfully requested that this Court include question numbered ½ in the *voir dire*. This question is the only amendment to the previously submitted proposed jury questions.

½. *Have you read anything in the newspapers or seen anything in the media within the last 6 months about the Southampton Town Police Department or any of the individual defendants herein? If your answer is yes, please approach the bench for further discussion.*

1. Have you or any member of your family ever sued or been sued by a municipality?

2. Have you or any member of your family or any close friends ever sued to recover for personal injuries or for a violation of civil rights?

3. Have you or a family member ever been arrested by the police?  
(If yes, would you please come up to the bench?) If yes, what were the circumstances? Do you or the person who was arrested believe that you or they were treated fairly? As a result, do you or the person who was arrested harbor any feelings of ill will toward the police department or police in general?

4. Do you have any friends who have been arrested by the police?  
(If yes, would you please come up to the bench?)

5. Have you ever had the police come to your home, without having asked them to?  
If yes, what were the circumstances?

6. Have you ever called the police to come to your home for assistance? If yes, what were the circumstances?

7. Have you ever interacted with the police where you felt the police personnel acted inappropriately? (If yes, would you please come up to the bench?)

8. Have you or any members of your family or any close friends ever been involved in an interaction with a police officer where you or they felt that they were mistreated in any fashion? (If yes, would you please come up to the bench?)

9. Do you accept that in some circumstances law enforcement personnel such as police officers are authorized to use physical force to fulfill their duties?

10. Do you think that police officers generally use too much physical force in our society?

11. Is there anything in your background that would prevent you from being a fair and impartial juror in this case?

12. If the facts as elicited at the trial do not warrant a finding for the plaintiff on any of the claims asserted by him, would you have any difficulty in rendering a verdict in favor of the defendants on all of the claims?

13. Do you feel that the fact that the plaintiff hired attorneys and brought a lawsuit entitles him to recover damages?

14. If you were selected in this case, do you know of any reason whatsoever why you could not sit as an impartial juror?

15. Will you listen to the evidence in the trial and apply the law as the court instructs you, even if you do not agree with the law, and render a decision solely on the facts as developed at trial?

Dated: Smithtown, New York  
February 20, 2012

Respectfully Submitted,

DEVITT SPELLMAN BARRETT LLP  
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50 Route 111  
Smithtown, New York 11787

BY: \_\_\_\_\_/S/\_\_\_\_\_

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Cc: Stephen R. Krawitz, Esq. (VIA ECF)